

TIPS ON ESTABLISHING DIVERSION AND COURT WATCH PROGRAMS

DIVERSION PROGRAMS

1. All agencies involved in the justice process (police, juvenile service, probation/parole, etc.) should be involved from the beginning. Juvenile court hearings are normally closed so special permission must be granted. This group will determine the following:
 - Establish criteria for the diversion (first offender, no other charges, etc.)
 - Define the advantages to the offender (less expensive, no record, etc.)
 - Develop or identify appropriate options, such as education, treatment, community service, loss of driver's license.
 - Define response for non-compliance
 - Assign staff decision makers to offer and implement the program from initial identification, screening of offenders, assigning education, treatment and/or punishment, and verifying compliance.
 - Identify and seek resources that are available and those that are needed.
2. A police staff person or social worker sets aside cases that fit the criteria (no felonies, first offenders).
3. Instead of referring a case to the juvenile justice system (or to the prosecutor's office, if they are over 18), the staff person schedules an appointment with the screening unit of the health department to determine if the youth needs mental health or substance abuse treatment.
4. After the screening, the youth is assigned to treatment, education or punishment as appropriate. If the individual is a juvenile (as defined by state law), the program and consequences for non-compliance are explained to both the juvenile and his or her parents.
5. If the assignment is completed, the charges are dropped.
6. If the assignment is not completed, the case is referred back to the justice system for further action as defined in the initial program design.

Diversion and Court Watch Programs continued

COURT WATCH PROGRAMS

A court watch program is conducted by an outside organization (with or without the cooperation of the court) that observes the proceedings of court and provides a record of actions in court by police, prosecutors, judges, defense attorneys, agencies involved in diversion, punishment, education and/or treatment of offenders.

1. Find a neutral non-profit or multi-agency organization to be the sponsor. It is important that this group have the ability to write a report and handle media inquiries. Some of the recommendations from the program may be perceived to be negative and the group must also be able to handle the reactions of the courts, the criminal justice system, parents or others.
2. Obtain funding, if necessary.
3. Develop a flow chart or outline of the justice process that identifies all the players and their roles. Ask the agencies involved in the justice process to provide a description of their role and their views on the roles of others.
4. Meet with the leaders of all the agencies involved in the court system (police, judges, prosecutors, parole and probation, health department, juvenile services) to determine what each would consider valuable in evaluating the effectiveness of their role. (A survey of past offenders may also provide information.)
5. Select from this list those actions which can be observed during court proceedings.
6. Develop an observer's form that will report observations in a standard format on the following items.
 - Description of the offense
 - Comments of police officers who testify
 - Comments by prosecutors and judges
 - The final sentence by the court
 - Information on compliance
 - What happens when offenders do not show for the proceedings

Diversion and Court Watch Programs continued

7. Determine when alcohol cases will be heard either by obtaining an advance copy of the court docket or by establishing a designated alcohol day in court.
8. Establish a time frame to do the observations that will allow enough cases, and cases per judge, to gain an accurate picture of trends in handling cases.
9. Recruit and train volunteers.
10. Schedule observers in pairs.
11. After each person has observed once, schedule a meeting to assess the process and adjust, if necessary.
12. After all the observations have been completed, write a report summarizing findings. The report can include praise and/or recommendations for change.